

As Passed by the Senate

136th General Assembly

Regular Session

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Am. S. B. No. 331

Senators Wilson, Blackshear

Cosponsors: Senators Brenner, Cirino, Ingram, Craig, DeMora, Gavarone, Hicks-Hudson, Huffman, Johnson, Lang, O'Brien, Reineke, Smith, Timken, Wilkin

To enact section 102.10 of the Revised Code to 1
allow certain public hospitality employees to 2
accept gratuities. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 102.10 of the Revised Code be 4
enacted to read as follows: 5

Sec. 102.10. (A) As used in this section, "public 6
hospitality employee" means a public employee who performs the 7
employee's primary duties at any of the following facilities: 8

(1) A publicly owned combined park-camp, recreation camp, 9
recreational vehicle park, or temporary park-camp, as those 10
terms are defined in section 3729.01 of the Revised Code; 11

(2) A publicly owned facility containing a public swimming 12
pool, public spa, or special use pool, as those terms are 13
defined in section 3749.01 of the Revised Code; 14

(3) A publicly owned golf course; 15

(4) A hotel, as defined in section 3731.01 of the Revised 16
Code, that is publicly owned; 17

(5) A publicly owned theater, concert hall, entertainment venue, convention center, or similar space for hosting performances or events; 18
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(6) A refuge harbor or marine recreational facility as described in section 1547.72 of the Revised Code; 21
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(7) A retail establishment located within a publicly owned facility; 23
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(8) A retail food establishment or food service operation, as those terms are defined in section 3717.01 of the Revised Code, located within a publicly owned facility; 25
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(9) Any other publicly owned facility that is similar to the facilities described under divisions (A) (1) to (8) of this section. 28
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(B) Notwithstanding any provision to the contrary in section 102.03 or 2921.43 of the Revised Code, in addition to a public hospitality employee's regular compensation, and in recognition of services the employee performs in the course of the employee's public employment, both of the following apply: 31
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(1) A person may give a gratuity to the employee. 36

(2) The employee may accept the gratuity. 37

(C) No public agency that employs a public hospitality employee who accepts a gratuity under this section shall claim the gratuity as a credit toward the minimum wage rate required under Ohio Constitution, Article II, Section 34a and Chapter 4111. of the Revised Code. 38
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